

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION**

ETHEL MARIE SMITH,

Plaintiff,

v.

JAKE RICHARD COLTON,

Defendant.

CIVIL ACTION NO.: 5:22-cv-41

**O R D E R**

Plaintiff filed her Complaint on July 29, 2022. Doc. 1. On August 1, 2022, the Court issued its standard Rule 26 Instruction Order. Doc. 2. Defendant filed his Answer on August 22, 2022, which he amended on August 29, 2022. Docs. 4, 5.

Federal Rule of Civil Procedure 26(f) requires the parties to meet and confer at the initiation of a lawsuit. Rule 26 requires the parties discuss a number of things, including the prospects for resolving a case, initial discovery disclosures, and a proposed discovery plan. The attorneys of record are “jointly responsible” for scheduling and attending the conference. Fed. R. Civ. P. 26(f)(2). Further, pursuant to Local Rule 26.1(a) of this Court, the parties must hold the Rule 26(f) conference by the earlier of 60 days after any defendant has been served with the complaint or 45 days after any defendant has appeared. Within 14 days of that conference, the parties are to file a report with the Court. Local R. 26.1(b); Doc. 2. Therefore, the Rule 26(f) Report was due no later than October 20, 2022. Despite these guidelines and instructions from the Court, the parties have not filed their Rule 26(f) Report.

Thus, the Court **ORDERS** the parties to show cause, in writing, within 21 days of this Order why this cause of action should not be dismissed due to the parties’ failure to follow this

Court Orders. In the alternative, the Court once again **ORDERS** the parties to confer under Rule 26(f) within 14 days of this Order and submit a Rule 26(f) report within 7 days of their Rule 26(f) conference. Should the parties choose the latter option, the Court will issue an appropriate Scheduling Order.

**SO ORDERED**, this 3rd day of November, 2022.



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BENJAMIN W. CHEESBRO  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA